

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

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VARIOUS Districts

Transportation Code §228.012 requires the Texas Department of Transportation (department) to create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement and the surplus revenue of a department toll project or system.

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which a project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount.

The department has created a subaccount in the state highway fund to hold the payments received from SH 130 Concession Company, LLC under the SH 130, Segments 5&6 Facility Concession Agreement for the right to develop, finance, design, construct, operate, and maintain the SH 130, Segments 5&6 toll project from US 183 in Travis County to I-10 in Guadalupe County, and the interest earned on those payments (SH 130 payments).

The Texas Transportation Commission (commission) previously approved projects to be funded with the SH 130 payments and approved the placement of those projects in work programs established for the Austin and San Antonio Districts.

In Minute Order 115270, dated July 26, 2018, the commission adopted an amended and restated policy defining the circumstances under which free passage on department toll projects will be provided (free passage policy).

Transportation Code §372.053 authorizes a toll project entity, including the department, to establish a discount program for electronic toll collection customers that, if established, must include free or discounted use of toll projects by an electronic toll collection customer whose account relates to a vehicle registered under (1) Transportation Code §504.202 (disabled veterans), (2) Transportation Code §504.315(f) (recipients of the Air Force Cross or Distinguished Service Cross, the Army Distinguished Service Cross, the Navy Cross or the Medal of Honor (Legion of Valor)), or (3) Transportation Code §504.315(g) (Purple Heart recipients). SB 1091, 86th Legislature, Regular Session, amended Transportation Code, §372.053 to provide that a toll project entity may limit to no more than two the number of transponders issued to a participant in the entity's program. An entity that adopts a limit shall allow a participant to be issued one extra transponder on a demonstration of hardship, as determined by the entity. Implementation of SB 1091 will be addressed through the promulgation of administrative rules.

Section 502(b) of the Indenture of Trust (indenture) for the Central Texas Turnpike System (CTTS) does not permit free or discounted use of the CTTS as authorized in Transportation Code §372.053. However, providing such free or discounted use of the CTTS is possible under the indenture if the department pays to the appropriate indenture account the cost of tolls not paid by those veterans. The commission's trust indentures relating to other department toll projects and systems do not have the same restriction, so it is possible to provide free or discounted use of those projects and systems to electronic toll collection customers described in Transportation Code §372.053 without the department paying the costs of tolls not paid by those veterans.

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The commission has amended the free passage policy on numerous occasions, most recently in Minute Order 115270, which provides that free passage on department toll projects shall be granted to vehicles registered under Transportation Code §504.202 and Transportation Code §§504.315(f) and (g), and to vehicles registered by recipients of the Medal of Honor under Transportation Code §504.315(e) (Veteran Discount Program). Minute Order 115270 further provides that the department shall pay to the appropriate indenture account from lawfully available funds the cost of tolls not paid by persons operating those vehicles.

Transportation Code, §372.053 provides that the legislature may appropriate funds from the general revenue fund to a toll project entity to defray the cost of providing free or discounted use of the entity's toll project under that section. The legislature did not appropriate funds to the department for that purpose in the General Appropriations Act for the FY 2020-FY 2021 biennium.

The department has established an additional work program to account for and track project costs associated with the Veteran Discount Program on the CTTS that are to be funded with the SH 130 payments. Exhibit A to this order contains funding allocations from the SH 130 payments for those CTTS project costs.

IT IS THEREFORE ORDERED by the commission that funds from payments received from SH 130 Concession Company, LLC for the right to develop, finance, design, construct, operate, and maintain the SH 130 toll project from US 183 in Travis County to I-10 in Guadalupe County, and interest earned on those payments, shall be allocated to the costs associated with the Veteran Discount Program on the CTTS, in the amounts shown in Exhibit A.

IT IS FURTHER ORDERED that the use of payments received from SH 130 Concession Company, LLC, and the interest earned on those payments, for the project costs shown in Exhibit A is approved.

Submitted and reviewed by:

Recommended by:

DocuSigned by:

Rick Nelson

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Director, Toll Operations Division

DocuSigned by:

James M. Bass

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Executive Director

115822 Aug 27 2020

Minute	Date
Number	Passed

EXHIBIT A

Programs and Projects to be funded with SH 130 Concession Payments

AUSTIN DISTRICT

Veterans Discount Program – FY 2021

Project	Fiscal Year	Description	Amount
CTTS	2021	Veterans Discount Program	\$11,140,000